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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 MICHAEL STEVEN NOVAK,

9 Plaintiff,

10 v.

11 JAMES THATCHER,

12 Defendant.

Case No. C08-5711BHS/JKA

ORDER GRANTING
PLAINTIFF'S MOTION
TO JOIN DEFENDANTS AND
DIRECTING PLAINTIFF TO FILE
AN AMENDED COMPLAINT

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14 This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28
15 U.S.C. § 636(b)(1)(B). Before the court is plaintiff's motion asking for permissive joinder of four
16 defendants (Dkt. # 14). Defendant Thatcher has responded and opposes the motion on grounds that the
17 defendant has not filed a responsive pleading to the complaint. Defendant Thatcher argues leave of court
18 is not needed (Dkt # 17).

19 Defendant Thatcher filed an answer on December 19, 2008. Thus leave of court is needed and
20 plaintiff may not simply amend the complaint as a matter of right. See, Fed. R. Civ. P 15 (a).

21 Plaintiff's motion is **GRANTED**. Plaintiff will have thirty days from the date of this order to file an
22 amended complaint naming the four new defendants and Mr. Thatcher. The amended complaint will be a
23 complete substitute for the original complaint. As plaintiff is not proceeding in forma pauperis plaintiff will
24 have to arrange for service of the amended complaint on the four new defendants.

25 The Clerk is directed to send a copy of this Order to plaintiff.

26 DATED this 17 day of February, 2009.

27 /s/ J. Kelley Arnold
28 J. Kelley Arnold
United States Magistrate Judge